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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,596	02/09/2004	Deirdre Michelle Joy Athaide	ARC920030060US1	1778
67232 7590 09/26/2007 CANTOR COLBURN, LLP - IBM ARC DIVISION 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			EXAMINER MEDE, ESTEVE	
			ART UNIT 2137	PAPER NUMBER
			MAIL DATE 09/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/775,596

Applicant(s)

ATHAIDE ET AL.

Examiner

Esteve Mede

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. This office action is responsive to applicant's amendment received on June 25, 2007. Claims 1-40 are pending.
2. The 35 U.S.C. 112, second paragraph, of claim 17 is withdrawn due to applicant's amendment.
3. The 35 U.S.C. 101, of claim 17-40 is withdrawn due to applicant's amendment.
4. Claims objection have been withdrawn due to applicant's amendment.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Harada et al. (US 2003/0009681 A1).

In regard to **claims 1, 17, 33**, Harada discloses creating an encrypted content/title key by encrypting the title key with the recordable media content (see abstract, paragraph 0008, lines 1-5); transmitting the encrypted content/title key package to a media recorder (paragraph 16, lines 6-11); obtaining a media key block and media ID from a physical medium (media key block and media ID are inherit properties as disclosed by applicant on paragraph 6, lines 1-3, therefore, the limitations of media key block and media ID are met); transmitting the encrypted title key, the

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media key block and the media ID to a clearinghouse server utilizing a title key is an inherent property of the claimed invention as disclosed by applicant on paragraph 6, to obtain the unique key the media key block and the media ID must be calculated according to CPRM standard which the applicant is claiming, therefore transmitting the media key block and the media ID to the clearinghouse is an inherent property of the claimed invention as it is necessary for the clearinghouse to obtain the media key block and the media ID such that content encrypted on the DVD/CD/Memory Card can be bound to a particular piece of device; wherein the clearinghouse server does not pre-store the title key (para 0323); decrypting the encrypted title key (paragraph 11, lines 1-3); deriving a unique media key for the physical media (paragraph 10, lines 1-5); creating a re-encrypted title key by encrypting the title key with the unique media key (paragraph 11, lines 6-8); transmitting the re-encrypted title key to the media recording device to record on the physical media with the recordable media content (paragraph 11, lines 9-12).

Regarding **claims 2, 18, 34**, Harada discloses encrypting the recordable media content with the title key (paragraph 0008, lines 4-5).

Regarding **claims 3, 19, 35**, Harada discloses randomly selecting the title key (paragraph 0114, line 1).

Regarding **claims 4, 20, 36**, Harada discloses encrypting the title key with the recordable media in a manner agreed upon between the storage and distribution server (the storage and the distribution server encrypts the title key with the recordable media upon an agreed upon manner (paragraph 0008, lines 4-5)).

Regarding **claims 5, 21, 37**, Harada discloses encrypting the title key with a common key that is agreed upon between the recordable media content storage and the distribution server (the storage and the distribution server uses common key upon which they agreed (paragraph 0321, lines 21-23).

Regarding **claims 6, 22, 38**, Harada discloses encrypting the title key with a public key that is provided by the clearinghouse block (paragraph 0321, lines 24-26).

Regarding **claims 7, 23, 39**, Harada discloses encrypting the title key with a key obtained from a media key block (paragraph 0008 lines, 8-10).

Regarding **claims 8, 24**, Harada discloses the recordable media content storage stores the encrypted content/title key package for any sale or distribution to a user (paragraph 0207, lines 1-4).

Regarding **claims 9, 25, 40**, Harada discloses transmitting the encrypted content/title key package to the media recorder (paragraph 0293, lines 1-5;)

Regarding **claims 10, 26**, Harada discloses extracting the encrypted title key from the encrypted content/title key package (paragraph 0009, lines 1-2, paragraph 0011, lines 2-3).

Regarding **claims 11, 27**, Harada discloses decrypting the encrypted title key using the media key block and media ID (paragraph 0011, lines 2-3).

Regarding **claims 12, 28**, Harada discloses deriving a media unique key from the media key block and the media ID (paragraph 0011, lines 5-6).

Regarding **claims 13, 29**, Harada discloses recording the content and the re-encrypted title key on the physical media (paragraph 0011, lines 9-12).

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Regarding **claims 14, 30**, Harada discloses transmitting a digest of the media key block to the clearinghouse server instead of a complete media key (paragraph 0235, lines 1-3).

Regarding **claims 15, 31**, Harada discloses determining from the digest of the media key block whether the condition have been met or not ((paragraph 0010, lines 3-5; paragraph 0253, lines 1-6; paragraph 0257, lines 1-4; paragraph 0273 lines 3-10).

Regarding **claims 16, 32**, Harada discloses requesting the media key block from the media recording device if the title key decryption/encryption module determines the media has not met the condition (paragraph 0010, lines 3-5; paragraph 0253, lines 1-6; paragraph 0257, lines 1-4; paragraph 0273 lines 3-10)

### ***Response to Arguments***

1. Applicant's arguments filed 06/25/2007 have been fully considered but they are not persuasive. Applicant basically argues

1. That Harada does not disclose transmitting the encrypted title key, to the media key block and the media ID to a clearinghouse server utilizing a title key decryption/encryption module, wherein the clearinghouse server does not pre-store the title key.

Examiner disagrees as disclosed by applicant on paragraph 6 in the background of the applicant specification, transmitting, the media key block and the media ID to the clearinghouse is an inherent property of the claimed invention as the media key block

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and the media ID is necessary in obtaining a unique media key in order to bound content to a particular piece of device according to CPRM specification.

2. Harada pre-stores the keys while the applicant invention calls for the clearinghouse not to pre-stores the title keys.

Examiner disagrees Harada discloses that the title key is transmitted from server apparatus to the recording medium (para 0323), therefore the title key could not have been pre-stored by the smart card which contains modules that serves as the clearinghouse functions of the claimed invention.

### ***Conclusion***

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esteve Mede whose telephone number is 571-270-

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1594. The examiner can normally be reached on Monday thru Friday, 8:30-5:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Esteve Mede

EM

September 18, 2007

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER